

DANIEL BRODERICK, Bar #89424
Federal Defender
TIVON SCHARDL, Fla. Bar #73016
Trial & Habeas Counsel
801 I Street, 3rd Floor
Sacramento, California 95814
Telephone: 916-498-6666
E-mail: Tim_Schardl@fd.org

TIM BROSNAN, Bar #75938
1116 Guerrero Street
San Francisco, California 94110
Telephone: 415-285-5417

Attorneys for Petitioner
LANCE IAN OSBAND

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LANCE IAN OSBAND,)	NO. CIV-S-97-0152 KJM
)	
Petitioner,)	<u>CAPITAL CASE</u>
)	
v.)	
)	ORDER SETTING BRIEFING SCHEDULE
)	
WARDEN, San Quentin State Prison,)	
)	
Respondent.)	
_____)	

On October 11, 2011, this Court held a hearing regarding the effects of *Cullen v. Pinholster*, 563 U.S. ___, 131 S. Ct. 1388 (2011). Each party appeared through counsel. Having determined that it is appropriate at this time to consider whether 28 U.S.C. § 2254(d) bars relief for the claims on which an evidentiary hearing was granted, the court directed the parties to meet and confer and propose a briefing schedule. The parties did so and filed a joint statement reflecting their agreement. Having considered the briefs and joint statement, the court finds the proposed schedule is appropriate and should be adopted.

No later than January 26, 2012, Petitioner shall file an opening brief addressing the application of § 2254(d) to Claims I, V, IX, and XX. Although the evidentiary hearing was ordered

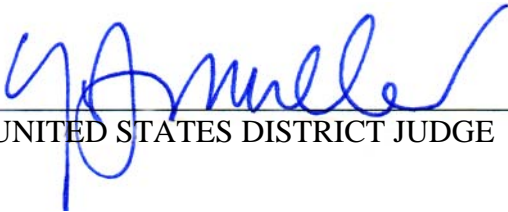
1 on only a portion of some claims, Petitioner shall address the claims *in toto*, as they were presented
2 to the California Supreme Court. *See Pinholster*, 131 S. Ct. at 1398 (“review under §2254(d)(1) is
3 limited to the record that was before the state court that adjudicated the claim on the merits”).

4 No later than April 25, 2012, Respondent shall file an answer brief.

5 No later than June 24, 2012, Petitioner shall file any reply.

6 IT IS SO ORDERED.

7 Dated: October 19, 2011.

8 
9 _____
10 UNITED STATES DISTRICT JUDGE
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28